GLOBAL INDOOR HEALTH NETWORK

WORKING TOGETHER FOR HEALTHY INDOOR ENVIRONMENTS
IN OUR HOMES, SCHOOLS AND BUSINESSES

January 1, 2016

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"MY BUILDING IS MAKING ME SICK!

Federal Judge says: NYCHA failing to remediate mold jeopardizes the health and welfare of hundreds of thousands of New Yorkers.

Federal Judge Blasts NYCHA (New York City Housing Authority)

A federal judge, fed up with NYCHA's inability to abate toxic mold in its aging apartments, has agreed to appoint a special master to enforce a two-year-old agreement to fix the problem.

Manhattan Federal Judge William Pauley Tuesday granted a request by tenants to bring in an outside monitor to make sure the authority remediates "simple" cases of mold within seven days and "complex" mold problems within 15 days.

"The appointment of a Special Master appears warranted," Pauley wrote in granting the request. "The failure to remediate mold and excessive moisture jeopardizes the health and welfare of hundreds of thousands of New Yorkers."

The judge rejected a request by the tenants' lawyers at the National Center for Law and Economic Justice to impose a penalty of $10,000 per apartment where mold returns after NYCHA claims it fixed the problem.

In his 8-page decision, Judge Pauley blasted NYCHA for its "indifference" in addressing the dangerous problem.

"NYCHA has been out of compliance with the Consent Decree from the day it was entered by this court," he wrote.

"NYCHA's justifications for its failure to comply are inadequate, and the attitude of NYCHA officials appears to be one of indifference."

….continued on page 2

See *Federal Judge Blasts NYCHA* (cont'd) page 2

Federal Judge Blasts NYCHA (New York City Housing Authority)--continued

Pauley noted that no top NYCHA official bothered to show up at the last court hearing, and in his order Tuesday Pauley wrote that "because the health and general welfare of hundreds of thousands of NYC public housing tenants is a matter of great public importance" he will require a "senior policy-making NYCHA official" attend all future court appearances.

Two years ago this week, NYCHA signed off on a consent decree with housing advocates and lawyers who brought suit alleging that NYCHA's failure to clean up its persistent mold problem was violating the rights of tenants who suffer from asthma.

In agreeing to the consent decree, NYCHA vowed to aggressively eradicate mold across its 328 developments. But the plaintiffs who filed the suit, the Metro Industrial Areas Foundation, a conglomerate of church groups pressing for housing reform in New York City, say in dozens of cases NYCHA only painted over the mold and it soon returned.

Click here to read the article.

University of Windsor to Demolish Two Student Residences with Mould (Canada)

Two student residences that have been plagued with problems at the University of Windsor will be demolished and the property turned into green space, the university announced Wednesday.

Clark Residences 1 and 2 on Sunset Avenue were shuttered back in July because of severe and pervasive mould issues. The buildings will now be demolished and retained as green space for future needs.

"It got to the point where we were simply looking at the age of the buildings, and seeing all the other things that needed to change like heating, cooling, washrooms, and it was starting to become a substantial amount of money," said university spokesman John Coleman.

The Clark Residence accommodated about 150 residents, and students have been placed in other residences on campus. Click here to read the article.

Feds to Take Ownership of Federal Courthouse in Pensacola (Florida)

Note from GIHN: Here's another article in our ongoing coverage of this situation involving the federal courthouse in Pensacola, Florida.

In what could be considered a $32 million Christmas gift to the city, the federal government has agreed to take ownership of the U.S. District Courthouse in downtown Pensacola once its lease of the building expires in 2017.

The decision comes as good news for Pensacola City Hall, as had the General Services Administration elected not to assume ownership, the building, which is in need of major repairs, would have become city property.

"That would be a big mess," said U.S. Chief District Judge Casey M. Rodgers. "The city would have taken on the burden of the problem, which is a $32 million problem."

In a Dec. 16 letter, GSA Regional Commissioner Mike Goodwin informed Mayor Ashton Hayward of the government's intent to take over the building, instructing GSA attorneys to begin talking to the city's lawyers.

"It's a big deal for us," Hayward said. "It's a win for the taxpayers and I think we should stress that."

Rodgers welcomed the GSA's decision to take ownership and said it shows good intent on the part of the federal government.

"I think it really does pave the way to move forward now," Rodgers said. "It's good news for us and for the citizens of Pensacola. It signifies GSA's intent to take responsibility of the courthouse and fix the problem."

Click here to read the entire article.

See *New Climate Change Agreement* on page 3

New Climate Change Agreement a Historic Win for Human Health

For the first time in history, nearly every country in the world has agreed to take action to combat the defining issue of the 21st century – climate change. The Paris Agreement, adopted on 11 December, marks the beginning of a new era in the global response to this threat.

The world now has a climate treaty that will become a public health treaty as countries take action. As stated in the agreement, "the right to health", will be central to the actions countries take. This is a historic opportunity for WHO and the entire health community.

Nearly a decade in the making, the Paris Agreement not only sets ambitious aims to curb greenhouse gas emissions to keep global warming well below 2°C, it pushes countries to develop adaptation plans that will protect human health from the worst impacts of climate change, such as, droughts, heat waves and floods.

Actions cannot be taken without resources. Working together, developed countries have committed to financing clean and resilient futures in countries most vulnerable to climate impacts. Through monitoring and revision of national commitments every five years, the world will begin to see improvements not only in the environment, but also in health, including reductions in the more than 7 million deaths worldwide attributed to air pollution every year.

In collaboration with the United Nations Framework Convention on Climate Change Secretariat, we launched the first 15 Climate Change and Health Country Profiles ahead of COP21 to provide countries up-to-date information about the current and future impacts of climate change on human health and current policy responses.

Now, we're working to produce a profile for every country so that they can use them to track their 5-year progress moving forward. We know that what gets measured gets done so we must give countries the tools to help them reach their Paris commitments, and raise their ambition even further.

> "The Paris Agreement…pushes countries to develop adaptation plans that will protect human health from the worst impacts of climate change."
>
> Dr. Maria Neira, WHO Director,
> Department of Public Health,
> Environmental and Social
> Determinants of Health

New Climate Change Agreement a Historic Win for Human Health (continued)

Next, WHO is working with countries to build climate resilient health systems, meaning that when climate-related disasters strike, or environmental conditions are gradually degraded, health systems are able to face the challenges head-on. For example, WHO is already working to put into place heat-health warning systems to save lives during heatwaves, and piloting climate-resilient water-safety plans, so that when floods and droughts hit, this doesn't lead to outbreaks of cholera and other water-borne diseases.

At this year's World Health Assembly countries agreed to a resolution to address the health impacts of air pollution. In line with this agreement, the WHO secretariat is scaling up its capacity to help countries implement WHO's outdoor and indoor air quality guidelines. It is also launching an urban health initiative in four cities early next year to test strategies for reducing short-lived climate pollutants, such as black carbon and methane.

This is just the start of a comprehensive approach to urban health, that will link WHO with our partner UN agencies in a comprehensive initiative to combat climate change, and promote sustainable development, in cities around the world.

These are the first steps we are taking. The road ahead is far from easy, but we're excited to have the whole world focused on taking actions to create a healthier planet and people.

Click here to read the press release.

See *Homebuyer wins against bank* on page 4

Despite “As Is” Clause, Homebuyer Wins Misrepresentation Appeal Against Bank

A bank is liable for a misrepresentation that induced a homebuyer to buy a foreclosure home with undisclosed water and mold damage, even though the sale contract said the buyer was purchasing the home “as is,” a state appeals court has ruled.

In 2012, Bank of America foreclosed on a home in Menomonee Falls and hired a real estate agent to resell it. The real estate agent learned that the property had severe water damage. The agent recommended the bank remediate to prevent mold.

The bank agreed and the agent solicited bids. However, the clean-up was not immediately completed, and mold remediation became necessary.

In May 2012, the agent told the bank that the mold remediation appeared complete. However, he subsequently told the bank that mold could still be seen in various rooms.

The bank then approved repair work for new drywall, new flooring and carpeting, and new painting. Upon completion, the agent told the bank the job was unsatisfactory.

But the bank did not take further action. It listed the house for sale at $144,900, and it generated immediate interest from potential buyers.

Catherine Fricano and her fiancé were among a dozen people who attended a house showing. Their real estate agent identified some discoloration in the basement that appeared to be mold, but did not see other signs of mold in other parts of the house.

The fiancée’s brother, who had experience buying and renovating foreclosed homes, came with the couple for a second look. He said he would offer to buy it if they didn’t.

The next day, Fricano offered to purchase the home for about $171,000. She increased the offer to 175,000 through a counteroffer. The bank accepted her offer. Fricano could back out if a home inspection revealed conditions that she deemed unacceptable.

We see no support for the Bank’s argument that the ‘as is’ provision, disclaimers, and waivers in the parties’ contract relieve it from Wis. Stat. § 100.18 (1) liability for its deceptive statement in the contract that it had little to no knowledge of the condition of the property.

Despite “As Is” Clause, Homebuyer Wins Misrepresentation Appeal Against Bank (cont’d)

The bank then asked her to sign a purchase addendum. It said that Fricano agreed to purchase the property in “as is” condition, which could include any “hidden defects or environmental conditions affecting the property, whether known or unknown, whether such defects or conditions were discoverable through inspection or not.”

The agreement also allowed the bank to negate and disclaim any representations, warranties, covenants, or guarantees with respect to water damage and mold and specifically said the bank did not guarantee the home was free of mold.

However, the addendum also said the bank had “little or no direct knowledge about the condition of the property.” Fricano’s agent said this language was common with foreclosures. Fricano signed the agreement and then had the home inspected.

The bank noted the “as is” clause and said a violation of section 100.18(1) requires a misrepresentation to a member of “the public,” but Fricano’s negotiating position with the bank, through offers and counteroffers, created a “particular relationship.”

But in Fricano v. Bank of America, 2015AP20 (Dec. 23, 2015), a three-judge panel for the District II Court of Appeals affirmed, upholding the jury verdict for Fricano.

“We see no support for the Bank’s argument that the ‘as is’ provision, disclaimers, and waivers in the parties’ contract relieve it from Wis. Stat. § 100.18 (1) liability for its deceptive statement in the contract that it had little to no knowledge of the condition of the property,” wrote Chief Appeals Court Judge Lisa Neubauer.

Click here to read the entire article.

See *Reduced breathing capacity in kids* on page 5

Reduced Breathing Capacity in Kids Linked to Early Pesticide Exposure

Taking a deep breath might be a bit harder for children exposed early in life to a widely used class of pesticides in agriculture, according to a new paper by UC Berkeley researchers.

A new study has linked the levels of organophosphate pesticide metabolites in the urine of 279 children living in California's Salinas Valley with decreased lung function. Each tenfold increase in concentrations of organophosphate metabolites was associated with a 159-milliliter decrease in lung function, or about 8 percent less air, on average, when blowing out a candle. The magnitude of this decrease is similar to a child's secondhand smoke exposure from his or her mother.

The findings, published today in the journal Thorax, are the first to link chronic, low-level exposures to organophosphate pesticides – chemicals that target the nervous system – to lung health for children.

"Researchers have described breathing problems in agricultural workers who are exposed to these pesticides, but these new findings are about children who live in an agricultural area where the organophosphates are being used," said study senior author Brenda Eskenazi, a professor of epidemiology and of maternal and child health. "This is the first evidence suggesting that children exposed to organophosphates have poorer lung function."

The children were part of the Center for the Health Assessment of Mothers and Children of Salinas (CHAMACOS), a longitudinal study in which the researchers follow children from the time they are in the womb up to adolescence.

The researchers collected urine samples five times throughout the children's lives, from age 6 months to 5 years, and measured the levels of organophosphate pesticide metabolites each time. When the children were 7 years old, they were given a spirometry test to measure the amount of air they could exhale.

The study accounted for other factors that could affect the results, such as whether the mothers smoked, air pollution, presence of mold or pets in the home and proximity to highways.

Reduced Breathing Capacity in Kids Linked to Early Pesticide Exposure (continued)

"The kids in our study with higher pesticide exposure had lower breathing capacity," said study lead author Rachel Raanan. "If the reduced lung function persists into adulthood, it could leave our participants at greater risk of developing respiratory problems like COPD (chronic obstructive pulmonary disease)."

The study did not examine the pathways for the children's exposure to pesticides, but the researchers did recommend that farmworkers remove their work clothes and shoes before entering their homes. They also suggested that when nearby fields are being sprayed with pesticides, children be kept away and, if indoors, windows should be closed. Pesticide exposure can also be reduced by washing fruits and vegetables thoroughly before eating.

"This study adds exposure to organophosphate pesticides to the growing list of environmental exposures – including air pollution, indoor cook stove smoke and environmental tobacco smoke – that could be harmful to the developing lungs of children," said Raanan. "Given they are still used worldwide, we believe our findings deserve further attention."

"Chronic obstructive pulmonary disease is an increasing cause of death around the world," said study co-author and pulmonary specialist Dr. John Balmes. "Since we know that reduced lung function increases the risk for COPD, it is important to identify and reduce environmental exposures during childhood that impair breathing capacity."

Click here to read the article.

See *IICRC S520 new version* on page 6

IICRC S520—New Version Announced

The Institute of Inspection, Cleaning and Restoration Certification (IICRC) announces the publication of a newly-revised ANSI-approved ANSI/IICRC S520 Standard for Professional Mold Remediation and IICRC R520 Reference Guide for Professional Mold Remediation (4th edition, 2015).

The ANSI/IICRC S520 is a procedural standard and reference guide for the remediation of mold damaged structures and contents. The ANSI/IICRC S520 is based on reliable remediation and restoration principles, research and practical experience and attempts to combine essential academic principles with practical elements of water damage restoration for technicians facing “real-life” mold remediation challenges.

The S520 and R520 are written for use by those involved in the mold remediation industry, and is the result of collaboration among microbiologists and other scientists, public health professionals, industrial hygienists, remediation contractors, restoration service companies, cleaning and restoration training schools and trade associations that service the professional restoration industry, allied trade-persons and others with related professional and practical experience.

The primary revisions include the following:

- The Reference Guide has been separated from the Standard for ANSI review and the documents are more streamlined for better usability.
- All references and definitions have been updated and complex language has been clarified.
- The Standard is more internationally acceptable with the inclusion of international measurements compliant with Global Harmonization System (GHS) requirements.
- **Enhanced rules added for negative pressure containments used in sensitive environments.**
- Lead based paint and coatings clarified to reflect compliance with EPA’s renovation, repair and painting (RRP) program.
- **Temperature extremes, either hot or cold, should not be used as an alternative to cleaning procedures and physical removal of mold contamination.**

IICRC announced the newly-revised ANSI-approved ANSI/IICRC S520 Standard for Professional Mold Remediation and IICRC R520 Reference Guide for Professional Mold Remediation (4th edition, 2015).

IICRC S520—New Version Announced (continued)

- Text related to misting is now less stringent. Language strengthened to read:

  “Remediators should not mist or fog disinfectants or sanitizers in an attempt to kill mold in lieu of complete source removal.”
- Insurance information has been changed and amplified to help restorers obtain the proper pollution coverage for their work. Professional liability coverage when rendering opinions is recommended.
- It is recommended that HVAC systems are not to be used for dehumidification or drying during a mold remediation project.
- Remediators may perform Post Remediation Evaluation (PRE) and IEPs may perform Post Remediation Verification (PRV).
- If the IEP conducting assessment or PRV is not independent from the remediator, they should disclose in writing to the client that they are deviating from the Standard.
- If the IEP conducting any activity such as assessment or post-remediation verification is not independent from the remediator, they should disclose this “complexity” in writing to the client that they are deviating from the Standard.
- If the project involves post remediation verification by an IEP, it should be conducted prior to application of coatings: including resurfacers, repair coatings or HVAC sealants.

Go to the IICRC website for more information and to purchase a copy of the new publication.

See *Bad Air Inside Beijing Offices* on page 7

The Air's As Bad Inside As Outside in 90 Percent of Beijing's Offices (China)

Ninety percent of Beijing's office buildings are not achieving substantial reductions of pollutants on bad air days, according to a recent study conducted by multinational real estate giant JLL and China-based indoor environmental consultants Pure Living.

And some even had significantly worse air on those days.

While we all freak out and mask up about outdoor air (and many of us go to great lengths to protect the air in our homes), air in the workplace is often an afterthought – and often out of ones' personal control.

But there's several good reasons why indoor air at your place of work – be it an office, a retail shop, a hotel, a restaurant or a classroom – should be the next item on your agenda to freak out about:

- The average person in China spends an estimated 87 percent of their time indoors. Presuming you are gainfully employed and work in an indoor space, you spend massive portion of that time in your place of work;
- An estimated 82 percent of the airborne particulate matter you inhale is inhaled while you are indoors, while only 18 percent comes from outdoor exposure;
- Many people intuitively believe being inside offers a modicum of protection, when in reality the air inside can be as bad or even worse than outside;
- And for business owners (and drowsy employees), there is a proven link between fresh air and worker productivity.

This last bit is of particular interest as it gives employers a financial incentive to invest more in assuring workplace air quality.

"Employers who provide clean air at work are sending a clear message to staff: They care about their well-being," said Louie Cheng, President of PureLiving China and co-author of the report.

To reach their conclusion, the authors of the survey conducted tests in 200 office buildings in Beijing. While a small fraction of the best were able to see reductions of up to 80 percent of exterior pollutants, some even had worse air indoors than outdoors.

The Air's As Bad Inside As Outside in 90 Percent of Beijing's Offices (China)—cont'd

Only 11 percent of Beijing's offices were able to reduce PM 2.5 by 61 percent or more on days when the outdoor air featured significant levels of pollution. On the flip side, 4 percent of buildings had indoor air was more than 40 percent worse than the outdoor air.

How is that even possible? We asked Raefer Wallis, founder and CEO of GIGA, a Shanghai-based resource for healthy building standards, including building materials and air quality monitoring.

"Take hotels as an example: PM 2.5 gets introduced by the fresh air system and leaky windows – usually about 75 percent of what's outside," Wallis said. "Then, the particulates get trapped in the carpet, the bedsheets, the sofa, the wallpaper ... Hotels are havens. It all gets kicked back up with users inside."

And that's not even mentioning things like carbon dioxide and volatile organic compounds (VOCs), emitted by common household items like particleboard, carpet glue and even your computer. "VOCs and CO2 can reach much higher concentrations indoors," Wallis said. "So the indoor cocktail of pollutants is worse than the outdoor cocktail. Pick which hangover you prefer."

Then there is the problem of the building management not taking care of the complex air circulation systems that typically draw air from rooftop units and into the building via a series of ducts.

JLL's report says that bad office air results in employees feeling unwell, reduced efficiency, increased absenteeism, and sheer distraction as employees become obsessed with air worries. This all can lead to rapid employee turnover, an enormous cost to companies.

Click here to read the article.

See *EPA Stops Sales of "Mold Manager"* on page 8

EPA Stops Sales of WellPlant's "Mold Manager" to Protect Public from Unregistered Pesticide

The U.S. Environmental Protection Agency has ordered Sparks, Nevada-based WellPlant Inc. to stop selling Mold Manager, an unregistered pesticide in violation of the Federal Insecticide, Fungicide, and Rodenticide Act.

The EPA has issued the "Stop Sale" order to prevent WellPlant and its affiliated company, GST International, Inc., from continuing to distribute or offer for sale "Mold Manager," a product that prevents mold, mildew, algae and moss. The product is made in Oregon and has been offered for sale online and distributed to customers in California, Iowa, Idaho, Illinois, Minnesota, North Carolina, Nevada, Oregon, Ohio and Canada.

At EPA's request, the Nevada Department of Agriculture conducted an inspection of the companies' facility at 855 East Greg Street in Sparks, and tested the product. EPA verified the product was pesticidal, mislabeled, and potentially harmful to human health. Products that make claims about preventing, destroying, repelling or mitigating mold are considered pesticides and must be properly labeled and registered under federal law.

Mold Manager is not registered with the EPA, not labeled properly, and missing precautionary statements on the label. Proper labeling and registration ensures consumer safety. Consumers who purchased Mold Manager should contact their local refuse management companies for advice on proper disposal.

The sale or distribution of a pesticide that has not been registered with the EPA is a violation of federal pesticide law, which requires registration of pesticide products and pesticide-production facilities, as well as proper pesticide labeling. These requirements protect public health and the environment by minimizing the risks associated with the production, handling, and application of pesticides. Pesticides can also be harmful if improperly stored or disposed.

Click here for more information.

Next Newsletter: February 1, 2016

Downtown Ann Arbor Building Still Infested with Mold, Structurally Unsound

Progress is slow on the cleanup of a vacant, mold-infested downtown Ann Arbor building. An inspection of the property at 111 S. Main St. by a group of city officials revealed that, despite some cleanup efforts, the building is still infested with mold and structurally unsound.

A fire inspector discovered the four-story building's condition during a routine early October inspection, and officials have since been pushing its owner, Louis Feigelson, to bring it up to code. **Aside from the mold, the city discovered a 20-foot tree growing through the roof, damage to joists, water-saturated flooring and damage to the subflooring.**

The building was condemned and the property scheduled to go before the city's Building Board of Appeals in late December, which is one of the first steps in forcing property owners to address blight.

Click here to read the article.

Quick Links:

Website: **http://globalindoorhealthnetwork.com**

Health Effects:
http://www.globalindoorhealthnetwork.com/health-effects

Position Statement:
http://www.globalindoorhealthnetwork.com/GIHN-position-statement

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